

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA, <i>et al.</i> ,	)	
	)	
	)	
Plaintiff,	)	Civil Action No. 05-10112-RCL
	)	
v.	)	
	)	
THE COMMONWEALTH OF	)	
MASSACHUSETTS, <i>et al.</i> ,	)	
	)	
	)	
Defendants.	)	
_____	)	

**INTERVENOR-PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

COME NOW the Intervenor-Plaintiffs, The American Waterways Operators ("AWO"), International Association of Independent Tanker Owners ("INTERTANKO"), Chamber of Shipping of America ("CSA") and BIMCO (the "Intervenor-Plaintiffs"), by and through their undersigned counsel, and respectfully move this Court to enter summary judgment in favor of Intervenor-Plaintiffs pursuant to Fed. R. Civ. P. 56 as to the Complaint set forth by Intervenor-Plaintiffs (Docket Entry No. 19) for the reasons set forth in the accompanying Memorandum.

**CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), Jonathan Benner has conferred with counsel for State Defendants and gave notice to counsel for Intervenor-Defendant the Coalition for Buzzards Bay. State Defendants represented to Jonathan Benner that they would oppose this Motion.

**REQUEST FOR ORAL ARGUMENT**

Intervenor-Plaintiffs hereby respectfully request oral argument for this motion.

Respectfully Submitted,

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Shipping of America, and BIMCO*

Dated: May 14, 2008.

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 14, 2008.

Respectfully Submitted,

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